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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 RND CONSULTING, INC., an Illinois
 13 Corporation,

Case No.: 2:24-cv-00713-CDS-MDC

14 Plaintiff,

15 vs.

16 AHERN ENGINEERING, LLC, a Nevada Limited
 17 Liability Company; XTREME MANUFACTURING, LLC, a Nevada Limited
 18 Liability Company; XTREME CUBES CORPORATION, a Nevada Corporation,

19 Defendants.

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DISCOVERY**

(Fourth Request)

20 Plaintiff RnD Consulting, Inc. (“Plaintiff”), and Defendants Ahern Engineering, LLC;
 21 Xtreme Manufacturing, LLC; and Xtreme Cubes Corporation (“Defendants”) (collectively, the
 22 “Parties”), through their respective counsel of record, request an order modifying the Parties’ Joint
 23 Discovery Plan and Scheduling Order (ECF No. 15) and prior Orders extending discovery (ECF
 24 Nos. 21, 25, and 30), by adding an additional 60-days to the current discovery timeline. The Parties
 25 concurrently submit this fourth stipulation to extend discovery with the Parties’ joint motion
 26 requesting a settlement conference pursuant to LR 16-5. See ECF No. 32. Good cause exists to
 27 extend discovery as set forth below. Further, excusable neglect exists to extend the initial expert
 28 disclosure deadline, as further set forth below.

1 In compliance with LR IA 6-1 and LR 26-3, the Parties submit as follows:

2 **I. STATEMENT OF DISCOVERY COMPLETED TO DATE.**

- 3 • The Parties held a scheduling conference on June 11, 2024.
- 4 • On June 26, 2024, Defendants served their initial disclosures.
- 5 • On July 22, 2024, Plaintiff served its initial disclosures.
- 6 • On August 29, 2024, Defendants served their First Set of Requests for Production of
- 7 Documents to Plaintiff.
- 8 • On August 29, 2024, Defendant Xtreme Manufacturing, LLC served its First Set of
- 9 Interrogatories to Plaintiff.
- 10 • On October 14, 2024, Plaintiff served responses to Defendants' First Set of Requests for
- 11 Production of Documents to Plaintiff.
- 12 • On October 14, 2024, Plaintiff served responses to Defendant Xtreme Manufacturing,
- 13 LLC's First Set of Interrogatories to Plaintiff.
- 14 • On October 23, 2024, Plaintiff served its first supplemental responses to Defendant Xtreme
- 15 Manufacturing, LLC's First Set of Interrogatories to Plaintiff.
- 16 • On November 14, 2024, Plaintiff served its First Supplemental List of Witnesses and
- 17 Documents Pursuant to FRCP 26(a).
- 18 • On November 14, 2024, Plaintiff served its First Supplemental Response to Defendants
- 19 Ahern Engineering, LLC, Xtreme Manufacturing, LLC, AND Xtreme Cubes Corporation
- 20 First Request for Production Of Documents.
- 21 • On February 3, 2025, Plaintiff served its First Set of Requests for Admissions to Defendant
- 22 Xtreme Manufacturing, LLC.
- 23 • On February 3, 2025, Plaintiff served its First Set of Requests for Admissions to Defendant
- 24 Xtreme Cubes Corporation.
- 25 • On February 3, 2025, Plaintiff served its First Set of Requests for Admissions to Defendant
- 26 Ahern Engineering, LLC.
- 27 • On February 3, 2025, Plaintiff served its First Set of Requests for Production of Documents
- 28 to Defendant Xtreme Manufacturing, LLC.



- 1 • On February 3, 2025, Plaintiff served its First Set of Requests for Production of Documents
- 2 to Defendant Ahern Engineering, LLC.
- 3 • On February 3, 2025, Plaintiff served its First Set of Requests for Production of Documents
- 4 to Defendant Xtreme Cubes Corporation.
- 5 • On February 3, 2025, Plaintiff served its First Set of Interrogatories to Defendant Xtreme
- 6 Manufacturing, LLC.
- 7 • On February 3, 2025, Plaintiff served its First Set of Interrogatories to Defendant Xtreme
- 8 Cubes Corporation.
- 9 • On February 3, 2025, Plaintiff served its First Set of Interrogatories to Defendant Ahern
- 10 Engineering, LLC.
- 11 • On February 12, 2025, Plaintiff served its Second Supplemental Disclosures.
- 12 • On February 12, 2025, Plaintiff served its Privilege Log
- 13 • On April 4, 2025, Defendant Ahern Engineering, LLC served its Reponses to Plaintiff's
- 14 First Set of Requests for Admission.
- 15 • On April 4, 2025, Defendant Xtreme Cubes Corporation served its Reponses to Plaintiff's
- 16 First Set of Requests for Admission.
- 17 • On April 4, 2025, Defendant Xtreme Manufacturing, LLC served its Reponses to Plaintiff's
- 18 First Set of Requests for Admission.
- 19 • On April 4, 2025, Defendant Ahern Engineering, LLC served its Reponses to Plaintiff's
- 20 First Set of Requests for Production of Documents.
- 21 • On April 4, 2025, Defendant Xtreme Cubes Corporation served its Reponses to Plaintiff's
- 22 First Set of Requests for Production of Documents.
- 23 • On April 4, 2025, Defendant Xtreme Manufacturing, LLC served its Reponses to Plaintiff's
- 24 First Set of Requests for Production of Documents.
- 25 • On April 4, 2025, Defendant Ahern Engineering, LLC served its Reponses to Plaintiff's
- 26 First Set of Interrogatories.
- 27 • On April 4, 2025, Defendant Xtreme Cubes Corporation served its Reponses to Plaintiff's
- 28 First Set of Interrogatories.



- 1 • On April 4, 2025, Defendant Xtreme Manufacturing, LLC served its Responses to Plaintiff's
2 First Set of Interrogatories.
- 3 • On April 4, 2025, Defendants Ahern Engineering, LLC, Xtreme Manufacturing, LLC, and
4 Xtreme Cubes Corporation served their First Supplement to Initial Disclosure Pursuant to
5 FRCP 26(a).
- 6 • On April 4, 2025, Defendants Ahern Engineering, LLC, Xtreme Manufacturing, LLC, and
7 Xtreme Cubes Corporation served their First Supplement to their Initial Disclosure
8 Privilege Log.
- 9 • On April 16, 2025, Defendants Ahern Engineering, LLC, Xtreme Manufacturing, LLC,
10 and Xtreme Cubes Corporation served their Second Supplement to Initial Disclosure
11 Pursuant to FRCP 26(a).

12 **II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE
13 COMPLETED.**

14 Both parties anticipate serving additional written discovery to each other based on the
15 initial documents and information obtained should resolution efforts fail. The parties additionally
16 anticipate taking depositions of fact witnesses disclosed via the Parties' initial disclosures, as well
17 as any additional fact witnesses discovered within requested documents. Thereafter, the parties
18 intend to disclose experts and potentially take depositions of any such experts.

19 **III. DISCOVERY REMAINING CANNOT BE COMPLETED WITHIN THE TIME
20 LIMITS SET FORTH BY THE DISCOVERY PLAN.**

21 To date, the parties have focused their efforts on resolution discussions, rather than factual
22 discovery in this matter. *See ECF No. 26 (setting forth the Parties' Joint Motion Requesting a
23 Settlement Conference Pursuant to Local Rule 16-5).* To that end, the Parties believe that it would
24 be most efficient, if resolution efforts fail, to pursue additional fact discovery before turning to
25 expert discovery. While Plaintiffs have served written discovery, Defendants need not respond or
26 produce documents prior to the expert disclosure deadline because further discovery is contingent
27 on the production and review of such documents, it has made it impossible for the parties to achieve
28 additional factual discovery prior to the expert disclosure deadlines. Further, the parties anticipate



1 difficulty in scheduling depositions due to the schedules of fact witnesses and desire to
 2 accommodate those schedules.

3 In addition, and concurrent with this stipulation, the Parties have requested a settlement
 4 conference to assist with their resolution discussions. *See ECF No. 26.* The Parties anticipate that
 5 the same cannot be set prior to the expiration of several current deadlines and would prefer to
 6 allocate resources to those resolution efforts, rather than discovery within the case. *See id.*

7 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

8 The Parties propose a 60-day extension to remaining discovery deadlines from the latest
 9 proposed settlement conference dates. *See ECF No. 32.* Should this Court deny the motion for
 10 settlement conference, the Parties anticipate attending a private mediation on one of the same
 11 proposed dates. The proposed schedule is as follows:

Deadline	Current Deadline	New Deadline
Expert Disclosures	May 8, 2025	August 19, 2025
Rebuttal Disclosures	June 8, 2025	September 19, 2025
Close of Discovery	July 8, 2025	October 20, 2025
Dispositive Motions	August 7, 2025	November 20, 2025

17 If dispositive motions are filed, the joint pre-trial order shall be due thirty (30) days from
 18 the entry of the court's rulings on the motions or by further order of the court. *See LR 26-1(b)(5).*

19 **V. GOOD CAUSE EXISTS TO EXTEND THE TIME TO COMPLETE DISCOVERY.
 20 FURTHER, EXCUSABLE NEGLECT EXISTS WARRANTING AN EXTENSION
 21 OF TIME TO MAKE INITIAL EXPERT DISCLOSURES.**

22 The Court has broad discretion to stay proceedings as an incident to its power to control its
 23 own docket. *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936); *see also CMAX, Inc. v. Hall*, 300
 24 F.2d 265, 268 (9th Cir. 1962) (noting that a district court possesses "inherent power to control the
 25 disposition of the causes on its docket in a manner which will promote economy of time and effort
 26 for itself, for counsel, and for litigants."). The Court considers various factors in deciding whether
 a stay is appropriate. *CMAX*, 300 F.2d at 268.

27 The parties have been diligent in discussions with each other and attempting to evaluate
 28 potential resolution of the matter prior to expending resources on litigation and needlessly



1 expending the court's resources in pursuing the same. *See* ECF No. 26, *see* ECF No. 32. Those
2 discussions have been fruitful and resulted in a mutual decision to request a settlement conference
3 and/or a mediation in accordance with Local Rule 16-5. *Id.* The Parties have continued to focus
4 their efforts on these discussions, rather than factual discovery in this matter. To that end, the
5 Parties have again requested the court's assistance in resolution efforts by way of a settlement
6 conference and/or mediation concurrent with the submission of this Stipulation. *Id.* The Parties
7 believe that it would be most efficient, if resolution efforts fail, to pursue additional fact discovery
8 before turning to expert discovery.

9 Further, while the parties have engaged in written discovery, Plaintiff has produced
10 responsive documents to Defendants' Requests for Production of Documents and Defendants have
11 also produced responsive documents to Plaintiff's discovery requests; however, the Parties require
12 additional time to continue to review and produce responsive documents. The Parties also desire
13 to continue working together in good faith to facilitate the discovery process, rather than seeking
14 court intervention to enforce it, which has required additional time.

15 As to the expert disclosure deadline, specifically, the Parties mutually made the decision
16 to repurpose a settlement conference with this Court after the 21-day deadline set forth in LR 26-3.
17 The Parties' additional joint request for a settlement conference and/or mediation pursuant to LR
18 16-5 further supports a finding of excusable neglect. *See* ECF No. 32.

19 Based on the foregoing, despite the Parties' diligence, discovery cannot reasonably be
20 completed within the existing deadlines, and good cause to extend discovery deadlines exists,
21 along with excusable neglect as to the initial expert disclosure deadline.

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1 This proposed Stipulation and Order to extend deadlines for discovery is made in good
2 faith, with good cause, and not for purposes of unduly delaying discovery or trial. Therefore, the
3 Parties respectfully request that this Court grant the requested discovery extension.

4

5 DATED this 6th day of May, 2025.

6 DATED this 6th day of May, 2025.

7 WEINBERG, WHEELER, HEDGINS,
8 GUNN & DIAL, LLC

9 SCHNITZER JOHNSON & WATSON, CHTD.

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27 **ORDER**

28 **IT IS SO ORDERED.**

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